

The stipulations of the parties are listed in the Award of the Special Administrative Law Judge and are adopted by the Appeals Board for this review.

ISSUES

The Special Administrative Law Judge found claimant entitled to a scheduled disability to the left leg. Claimant appeals that finding of the Special Administrative Law Judge and requests the Appeals Board find claimant entitled to a permanent partial disability to the body as a whole and to award compensation based upon a work disability. Accordingly, the sole issue for determination by the Appeals Board is the nature and extent of claimant's disability.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Award of the Special Administrative Law Judge sets out his findings of fact and conclusions of law and it is not necessary to repeat those herein. Specifically, the Appeals Board agrees that claimant has failed to sustain his burden of proof that his low back condition is the result of an accident arising out of and in the course of his employment with respondent. The record in this case contains the deposition testimony of three (3) medical experts. All three (3) are board-certified orthopedic surgeons qualified to render expert opinions on the question of causation; specifically, whether claimant's low back complaints are related to his August 10, 1992 knee injury. Only one, the expert hired by claimant, offers an opinion relating the low back complaints to the knee injury. In addition, the records of the treating physicians, who were not deposed, were considered. They found no injury to the back from the August 10, 1992 work-related accident, nor any subsequent aggravation to the claimant's pre-existing low back condition due to his antalgic gait. Accordingly, the Appeals Board finds that the greater weight of the credible evidence supports the conclusion that the claimant's low back complaints and his work-related knee injury are not related. That conclusion having been reached, the compensation to which claimant is entitled shall be based upon the scheduled injury to the leg and not to the body as a whole.

Having reviewed the entire record, the Appeals Board finds the findings and conclusions enumerated in the Award of the Special Administrative Law Judge to be accurate and appropriate and it adopts same as its own findings as if specifically set forth herein. The Appeals Board adopts the analysis of the Special Administrative Law Judge regarding the nature and extent of claimant's disability and affirms his finding of a thirty percent (30%) permanent partial impairment of function to the left lower extremity.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award of Special Administrative Law Judge William F. Morrissey dated May 9, 1995 should be, and hereby is, affirmed in all respects, and the orders contained in the Award are hereby adopted by the Appeals Board as its own.

IT IS SO ORDERED.

Dated this ____ day of August 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Eugene C. Riling, Lawrence, KS
Mark C. Beam-Ward, Overland Park, KS
W. Frederick Zimmerman, Kansas City, KS
William F. Morrissey, Special Administrative Law Judge
Philip S. Harness, Director